



Kansas Sheriffs Association

P.O. Box 1853
Salina, Kansas 67402-1853

913-827-2222

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

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Sheriff Darrell Wilson
Saline County

Sgt.-at-Arms
Sheriff Larry Leslie
Reno County

July 21, 1994

The Honorable Reed E. Hundt
Federal Communications Commission
1919 M. Street, N. W.
Washington, D. C. 20554

Re: Billed Party Preference
CC Docket 92-77

Dear Chairman:

BOARD OF DIRECTORS

Sheriff Thomas W. Jones
Thomas County

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Sheriff Rick E. Wingate
Neosho County

I am Sheriff of Saline County, Kansas and also serve as Secretary/Treasurer of the Kansas Sheriffs Association. I currently operate a 62 bed detention facility and a 25 bed satellite detention facility. Saline County is presently constructing a new 152 bed detention facility. It is the opinion of Kansas Sheriffs that Billed Party Preference would greatly undermine the security and penological interests of jail operations.

Telephone call abuse inside correctional facilities is a serious issue, especially in a pre-trial facility where attempts to coerce witnesses and victims into not testifying are a common occurrence. If Billed Party Preference were to include jails and correctional facilities, additional staff would have to be requested in order to provide security and supervision of inmate placed telephone calls. An inmate making a long distance call through a carrier who has chosen not to cooperate with our local provider could have that call re-routed back, without detection, to a victim and/or witness.

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Neosho County

It is recommended that the requested exemption for jails and prisons be included as part of Billed Party Preference. If not, there are citizens throughout the country who would suffer every day by receiving threatening and unwanted calls.

Respectfully yours,

Darrell Wilson
Saline County Sheriff
Secretary/Treasurer
Kansas Sheriffs Association

DW/bjh

cc: The Honorable James H. Quello
The Honorable Andrew C. Barrett
The Honorable Rachelle B. Chong
The Honorable Susan Ness

DOCKET FILE COPY ORIGINAL

TO: Sheriffs and Jail Administrators

FROM: Vincent Townsend, President, Pay Tel Communications, Inc.
APCC Inmate Phone Service Providers Task Force
1 (800) 729-8355

DATE: July 21, 1994

SUBJECT: **Letter Opposing Billed Party Preference**

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FEDERAL COMMUNICATIONS
COMMISSION

We have been very encouraged by the comments and letters filed with the FCC opposing Billed Party Preference ("BPP") by Sheriffs and Jail Administrators from across the country. To date we have received comments from organizations in 26 states. These comments have done a very excellent job in articulating the numerous concerns that BPP raises for Sheriffs and Jail Administrators.

Our only concern now is that **we need your letter** on this very important issue. The only way to convince the FCC not to apply BPP to inmate phones is to make them aware of the large number of Sheriffs and Jail Administrators that are convinced BPP will be a disaster for inmate phones.

Please compose your own letter or use the attached sample letter and add your own examples. Your immediate action on this issue is extremely important. All letters must be received by the FCC by Monday, August 1, 1994.

Your letters should be addressed to the Chairman of the FCC as follows:

The Honorable Reed E. Hundt
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Billed Party Preference; CC Docket No. 92-77

Don't forget to send a copy of your letter to the other four commissioners at the same address:

The Honorable James H. Quello
The Honorable Rachelle B. Chong

The Honorable Andrew C. Barrett
The Honorable Susan Ness

You should also send copies of your letters to your Representatives and Senators asking them to write the FCC. Please send us a copy of your letter: APCC Inmate Phone Service Providers Task Force, P.O. Box 8179, Greensboro, N.C. 27419.

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August 1, 1994

The Honorable Reed E. Hundt, Chairman
Federal Communications Commission
1919 M Street, NW
Washington, D.C. 20554

Re: CC Docket No. 92-77 Opposition to Billed Party Preference

Dear Chairman Hundt:

We are opposed to the application of Billed Party Preference (BPP) at inmate facilities.

We have analyzed the security and administration needs at our facility and have found it to be necessary to route inmate calls from our facility to a single carrier that is equipped to handle inmate calls and with whom we have a contractual relationship. We cannot allow inmates to have open access to the telecommunications network and the freedom to use any carrier they please. BPP will take away our right to coordinate inmate calls through a carrier we know and trust. Instead, inmate calls will be routed to a number of different carriers, none of whom will have any obligation to us, and few that will be trained to handle inmate calls.

We have also found it necessary to install phone equipment that is specifically designed for inmate calls. This equipment helps prevent fraud, abusive calls, and other criminal activity over the telephone network. Given the constant budgetary constraints that we are under, we cannot afford to provide this equipment without the help of inmate phone service providers. BPP would also eliminate the revenue stream that finances our inmate phones. If BPP is applied to inmate facilities, there will be no way for us to finance these phones, nor will there be inmate phone service providers to assist us. Without inmate phones, the morale of our inmates will be devastated. The resulting increase in tension will make it more difficult for our staff to manage inmates.

Furthermore, we are sensitive to the rates inmate families pay for calls. We fully appreciate the FCC's concern if some Sheriffs do not take responsibility for protecting inmate families from abusive rates. We do not agree with the FCC that the solution for this lack of responsibility is BPP. The proper and more effective action would be to adopt rate ceilings on inmate calls and then let Sheriffs enforce these rate ceilings through their contracts. Indeed we believe the overwhelming majority of Sheriffs are committed to requiring rates that are fair and reasonable.

In short, BPP would take away our ability to employ important security and administrative measures that we have found to be necessary at our facility, ultimately reducing inmate phone availability, which in turn decreases the efficiency of our staff. We urge you to not adopt regulations that interfere with our administrative and security decisions -- decisions that are clearly within our discretion and which we have a public responsibility to make.

Respectfully submitted,

Donald R. Bryant - Director
Name/Title

Marion County Prison Farm
Name of Correctional Facility

180 Airport Road
Address
Mullins, S.C. 29574

Dave Bleser
9235 Tifton
San Antonio, TX 78240

July 20, 1994

The Honorable Rachelle Chong
Federal Communications Commission
1919 M Street NW
Washington DC 20554

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AUG 1 1994

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC

Dear Representative Chong:

As both an employee in the communications industry and a tax paying citizen, I am stating my strong **opposition** to *Billed Party Preference (BPP)* for 0+ Calls. Further, I respectfully request your support in ensuring that Communications Commission Docket 92-77 is defeated.

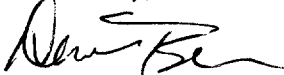
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A highly competitive market dictates that the technically sophisticated equipment be installed at little or no cost to the facility and that the provider's commissions be paid to the facility. The commissions facilities receive are a major source of revenue for the inmate welfare funds which finance inmate programs such as family visitation, education and rehabilitation programs. Thus, many of the positive aspects of incarceration are actually being paid for by the inmates.

Succinctly put, most, if not all, of the positive factors derived from the current way of doing business will be discarded if Billed Party Preference becomes a reality. The industry would be going back to the period prior to 1987 when few correctional facilities in the country were paid commissions and many had to pay for their inmate phone service. From a financial point of view, it could be a disaster. Local telephone and long distance companies would no longer have to pay commissions because there would be no competition. Without commissions, facilities would have to turn to their governing body and taxpayers and compete for already scarce resources. Inmate morale funding would be decreased and attended by an increase in inmate control problems. Who would pay for the inmate phone equipment necessary to control calls and prevent fraud and abuse? Again, facilities would have to turn to government sources. Cutting existing programs or increasing taxes would be the requirement to balance budgets. With inmate populations growing at rates estimated from 10 to 15 percent per year, inmate populations could increase by 40 percent by the end of the century. This, of course, will mandate an increase in the number of facilities and manpower to administer them. More inmates and facilities will necessitate more non-revenue producing inmate phone systems if BPP were approved for correctional facilities.

I appeal for your support in **defeating Communications Commission Docket 92-77** with the saying, "If it ain't broke, don't fix it!" Even though inmate phone service is not perfect, a competitive market helps ensure that improvement continues.

Sincerely,



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July 20, 1994

The Honorable Rachelle Chong
Federal Communications Commission
1919 M Street NW
Washington DC 20554

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WASHINGTON, D.C. 20554

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Sincerely,



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7309 University Row
San Antonio, TX 78249

July 20, 1994

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The Honorable Rachelle Chong
Federal Communications Commission
1919 M Street NW
Washington DC 20554

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

Dear Representative Chong:

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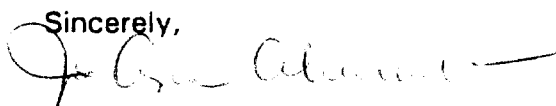
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Jo Ana Alvarado

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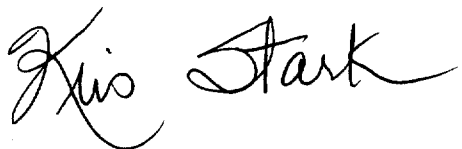
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Francisca
~~Francisca~~ Arredondo
346 Jennings Ave.
S.A-Tx 78225

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Francisca R. Arredondo

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

The Honorable Rachelle Chong
Federal Communications Commission
1919 M Street NW
Washington DC 20554

Lee Triplett
502 Olney Drive
San Antonio, TX 78209

Dear Representative Chong:

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Lee Triplett

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Cayce Douglas Kovacs
10223 Vernlyn
San Antonio, Texas 78230

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July 20, 1994

The Honorable Rachelle Chong
Federal Communications Commission
1919 M Street NW
Washington DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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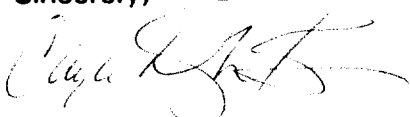
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Nelson Sigoloff
8410 Tiffany Dr.
San Antonio, TX 78230

July 20, 1994

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The Honorable Rachelle Chong
Federal Communications Commission
1919 M Street NW
Washington DC 20554

FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE

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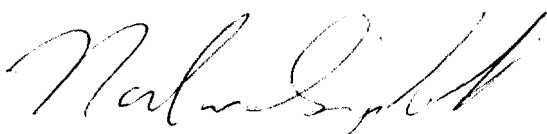
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**COUNTY JUDGE
of
TARRANT COUNTY**

TOM VANDERGRIF
County Judge
(817) 884-1441
FAX (817) 884-2793

County Administration Building
100 East Weatherford Street
Fort Worth, Texas 76196-0101

July 26, 1994

**The Honorable Rachelle B. Chong
Federal Communications Commission
1919 M Street, N.W.
Washington, D. C. 10554**

Re: Billed Party Preference; CC Docket No. 92-77

Dear Commissioner Chong:

On behalf of the entire Tarrant County Commissioners Court, I am writing to express our unanimous opposition to the proposal to implement Bill Party Preference and to request that the Federal Communications Commission defeat the measure.

The attached resolution clearly outlines the reasons why Tarrant County opposes this proposal. Meeting the telephone service needs of jail inmates is vastly different from addressing telephone service needs for the general public. As a result, it is imperative that inmate telephone service be exempt from BPP.

Sincerely,


**Tom Vandergriff
County Judge**

**Enclosure:
Resolution**

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Cindy Riojas
404 S. San Manuel
San Antonio, TX 78237

July 20, 1994

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AUG 1 1994

The Honorable Andrew Barrett
Federal Communications Commission
1919 M Street NW
Washington DC 20554

Dear Representative Barrett:

As both an employee in the communications industry and a tax paying citizen, I am stating my strong **opposition** to *Billed Party Preference (BPP)* for 0+ Calls. Further, I respectfully request your support in ensuring that Communications Commission Docket 92-77 is defeated.

Confinement facilities are unique and, as such, they require specialized phone system equipment. These systems permit a facility to block an inmate's call to specific numbers, block undesired inbound calls, prevent three-way calling and, overall, reduce fraud and other criminal activity. All of these capabilities are inherent in the equipment which means that, for the most part, intervention by administrative personnel is not required and that the maintenance of security is not jeopardized.

A highly competitive market dictates that the technically sophisticated equipment be installed at little or no cost to the facility and that the provider's commissions be paid to the facility. The commissions facilities receive are a major source of revenue for the inmate welfare funds which finance inmate programs such as family visitation, education and rehabilitation programs. Thus, many of the positive aspects of incarceration are actually being paid for by the inmates.

Succinctly put, most, if not all, of the positive factors derived from the current way of doing business will be discarded if Billed Party Preference becomes a reality. The industry would be going back to the period prior to 1987 when few correctional facilities in the country were paid commissions and many had to pay for their inmate phone service. From a financial point of view, it could be a disaster. Local telephone and long distance companies would no longer have to pay commissions because there would be no competition. Without commissions, facilities would have to turn to their governing body and taxpayers and compete for already scarce resources. Inmate morale funding would be decreased and attended by an increase in inmate control problems. Who would pay for the inmate phone equipment necessary to control calls and prevent fraud and abuse? Again, facilities would have to turn to government sources. Cutting existing programs or increasing taxes would be the requirement to balance budgets. With inmate populations growing at rates estimated from 10 to 15 percent per year, inmate populations could increase by 40 percent by the end of the century. This, of course, will mandate an increase in the number of facilities and manpower to administer them. More inmates and facilities will necessitate more non-revenue producing inmate phone systems if BPP were approved for correctional facilities.

I appeal for your support in **defeating Communications Commission Docket 92-77** with the saying, "If it ain't broke, don't fix it!" Even though inmate phone service is not perfect, a competitive market helps ensure that improvement continues.

Sincerely,

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John R. McKernan, Jr.
Governor

Donald L. Allen
Commissioner
(207) 287-4360

DEPARTMENT OF CORRECTIONS

REC-91

AUG 1 1994

FROM THE OFFICE OF THE ATTORNEY GENERAL
JULY 27 1994

July 26, 1994

The Honorable Reed E. Hundt, Chairman
Federal Communications Commission
1919 M Street N.W.
Washington, D.C. 20554

Re: Billed Party Preference; CC Docket Number 92.77

Dear Chairman Hundt:

The Maine Department of Corrections is opposed to the application of Billed Party Preference (BPP) at prisoner facilities.

Department of Corrections staff, in conjunction with the State's telecommunications staff, have found it absolutely necessary to route all prisoner calls from correctional facilities to a single carrier equipped to process prisoner calls. We have worked for the past two years to develop a secure system on a contractual basis with a single carrier, one that allows corrections professionals in our facilities controls which will alleviate telephone fraud, harassment, and further criminal activity. We cannot allow prisoners to have open access to the telecommunications network and the freedom to use any carrier they please. BPP will eliminate our capability to securely coordinate prisoner calls through a single carrier with whom we have a contractual agreement. BPP will allow prisoners access to a number of different carriers, none of whom will have an obligation to the citizens of the State of Maine or the Department of Corrections, with few operators that will be trained to process prisoner calls.

It is also necessary, to insure a secure telephone system to protect the public as well as prisoners, to provide equipment that is specifically designed for use by prisoners. This specialized equipment helps prevent fraud, abusive calls, and other criminal activity over the telephone network. Presently, our telephone contract calls for this equipment to be provided free of charge. The amount of commissions the Department of Corrections receives as a portion of our contractual agreement is used to benefit our prisoner population not only by providing this specialized equipment but also by providing college classes, tuition fees, computer equipment, books, recreational items and other amenities that would not otherwise be possible, given the State of Maine's

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economic condition and the taxpayer's unwillingness to provide these programs for our prisoner population. Without these programs the morale of our prisoners would be devastated. The resulting tension created by idleness will make it more difficult for our staff to effectively manage our population.

Furthermore, we, in the State of Maine, are sensitive to the need for family communication while a person is incarcerated. This is why we have included in our contract that the rates for collect only calls made from our correctional facilities may not exceed the tariff amount which has been determined by the Maine Public Utilities commission for all citizens of this State.

Again, and to repeat, the Maine Department of Corrections is OPPOSED to Billed Party Preference at prisoner facilities. BPP will take away our ability to employ important, necessary security, and administrative measures which have taken years to incorporate at our correctional facilities, ultimately reducing prisoner phone availability and the availability of education and other prisoner programs, which in turn decreases staff ability to maintain a safe environment for prisoners as well as staff within our various facilities. On behalf of the staff of the Maine Department of Corrections I urge you not to adopt regulations that will interfere with our ability to effectively manage a safe and secure prison population.

Sincerely,

A handwritten signature in cursive script, appearing to read "Donald L. Allen".

Donald L. Allen
Commissioner

DLA:jmm

cc: The Honorable James H. Quello
The Honorable Rachelle B. Chong
The Honorable Andrew C. Barrett
The Honorable Susan Ness



American Jail Association

2053 Day Road, Suite 100
Hagerstown, MD 21740-9795
Telephone: (301) 790-3930
FAX: (301) 790-2941

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'AUG 1 1994'

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

July 26, 1994

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The Honorable Reed E. Hundt, Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

RE: CC Docket No. 92-77 - Billed Party Preference

Dear Chairman Hundt:

The American Jail Association (AJA) strongly opposes the application of Billed Party Preference (BPP) at jail facilities. BPP will destroy the commendable achievements jail professionals have made over the last decade to encourage frequent telephone use by inmates, to prevent criminal activity over the telecommunications network, and to develop needed and effective inmate programs.

AJA is a national, nonprofit association whose membership consists mainly of sheriffs, jail administrators, and corrections officers. There are more than 3,200 jails nationwide, housing some 450,000 inmates on any given day, and processing 20 million admissions and releases every year. We are committed to ensuring that our nation's jails are orderly, secure, and effective rehabilitation centers. Our members have an important public mandate to maintain a safe and secure environment within their facilities, and to protect the general public outside of their facilities from criminal activity by inmates. The application of BPP at jail facilities will severely limit our members' efforts to fulfill these duties.

You must understand that the purpose and use of inmate telephones bears little resemblance to the purpose and use of telephones by the general public. Generally, the use of a telephone by an inmate is a privilege, not a right. There are obvious reasons why this is the case. Our society will not tolerate a system that allows inmates to have free and open access to the telecommunications network. New crimes could be committed and old ones could be continued. Witnesses, judges, juries, and prosecutors could be intimidated, and victims could be harassed. For this reason, we do not allow inmates to use access codes to reach the carrier of their choice, nor are we required to allow such dialing under applicable FCC rulings.

At the same time, there are reasons why we want to encourage the use of

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Honorable Reed E. Hundt, Chairman

the telephone by inmates, since frequent calling can be a positive rehabilitation tool. Indeed, frequent calling can encourage and strengthen positive relationships between inmates and their families--relationships that are vitally important for successful rehabilitation. Frequent calling can also help improve inmate morale which, in turn, encourages a disciplined and orderly jail environment and makes the corrections officer's already difficult job more manageable.

The goal, therefore, is to achieve a balanced system that encourages frequent inmate calling, but effectively controls that calling to protect the public from the abuse of the telephone by inmates for criminal purposes. Over the last decade, our members have been successful at implementing systems that achieve this goal. We do so through two required steps: (1) by routing inmate calling traffic to a single carrier that is qualified and equipped to handle inmate calls and who is contractually obligated to respond to our specific needs, and (2) by installing technologically-advanced inmate calling systems that allow frequent, but controlled, inmate calling. BPP is a direct assault to both of these precautionary measures.

Under the current system, inmate calling traffic is routed to a single carrier--one that knows the call is coming from a jail facility and one that generally automates call processing, or provides operators that are specifically trained, to thwart attempts by inmates to place prohibited calls. These carriers stay in daily contact with their contracted facility. This is an important reason why criminal telephone activity from inmate facilities can be detected and stopped at an early stage. For example, if an administrator receives information indicating that fraud or another crime has been, or is about to be, committed by an inmate through the use of the telephone, the administrator immediately informs the carrier who takes prompt action by either blocking specific numbers or denying service to the affected inmates by rejecting their Personal Identification Numbers (PINs).

Such responsive action could not be taken under BPP, since there could be dozens of different carriers that could carry inmate calls, none of whom will have any obligation to the facility. It would be impossible for every carrier to be in direct communication with every jail throughout the nation. And even if such

Page Three

Honorable Reed E. Hundt, Chairman

communication was possible, carriers under BPP will not be under any obligation to respond to an administrator's request to block calls to specific numbers or deny service to particular inmates.

Under BPP, the jail administration will no longer have the right to contract with a carrier that the administration has determined -- in his or her discretion -- is best equipped and qualified to handle the calls from that particular facility. In fact, BPP will grant inmates the right to access the network of dozens of different carriers by coordinating that selection with outside accomplices. All it will take is for a single inmate to find an unsuspecting carrier or a small independent telephone company that is ill-equipped and untrained to handle inmate calls, and we submit that as the identity of that carrier or telephone company becomes widely known, there could be a major outbreak of telephone criminal activity from our jails.

Of course, the magnitude of this potential harm ultimately depends on whether inmate phones will still be available after BPP, and if so, to what extent. BPP would eliminate the financial base for specialized inmate calling systems and jeopardize the very existence of inmate phones. Your agency should note that not more than a decade ago, specialized inmate calling systems were generally not available to our nation's jails. Indeed, a good number of jails are in rural areas where the small independent local telephone companies refused to provide inmate phone service. Jails had no way to effectively control inmate calling at the facility except to require strict officer supervision of all inmate calls and to severely limit inmate access to what was frequently a single phone per institution. Indeed, it was not that long ago that families of inmates rarely, if ever, received a telephone call from their loved ones in a jail. And if they were so lucky to receive a call, inmates were forced to do so under the presence of a jail officer.

Recent advancements in technology, coupled with the advent of telecommunications competition, have changed that troubling condition. Inmate phone service providers have made it possible for administrators to provide equipment with the necessary controls that in turn, provide frequent and unsupervised inmate calling opportunities. BPP, however, is purposely designed to take away an inmate phone service provider's revenue base.

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Honorable Reed E. Hundt, Chairman

In addition to the above, many of our nation's jails receive commissions from the telephone providers. Often, the revenues generated from the inmate telephone service are placed in what is known as an "Inmate Welfare Fund (IWF)." The revenues contained in this fund must be utilized in programs that benefit inmates. Examples of such programs are drug and alcohol treatment, literacy training, G.E.D., vocational, etc. BPP will eliminate telephone commissions paid to jails, which in turn, will eliminate many of the existing inmate programs, since these programs have no other funding source.

If we can emphasize any point, let it be this: We can only allow frequent inmate calling if that calling is controlled. **Our jails cannot afford to provide inmate telephone equipment that has the necessary controls without the assistance of inmate phone service providers.** Our nation's jails are in a state of financial crises. We are struggling to maintain sufficient funding for even our most basic needs. We simply cannot afford to purchase costly inmate calling systems on our own. If you take away the revenue stream supporting inmate phone service providers, we predict there will be few, if any, phones available for exclusive inmate use.

Despite our opposition to BPP, AJA agrees that inmate families should not have to pay unreasonable rates for inmate calls, the apparent reason why your agency is even considering applying BPP to inmate facilities. In fact, the positive effects of frequent inmate calling that administrators desire can only occur if the rates for inmate calls are affordable.

To the extent that the FCC is concerned that there are certain providers that are nevertheless charging unreasonable rates, the FCC should use its enforcement powers to directly regulate the rates of those providers. The FCC should not, however, adopt BPP in an indirect attempt to regulate the rates for inmate calls since, as explained above, BPP will jeopardize security and potentially eliminate the very inmate calling systems from which those calls are made. Indeed, should BPP be extended to inmate facilities, we suspect that whatever complaints about inmate calling rates your agency currently receives will be replaced by a much larger mountain of complaints. These complaints will be generated by angry inmate families who no longer can communicate frequently with their loved ones in jail facilities and from law abiding citizens who will become new victims of increased telephone fraud and crime.

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Honorable Reed E. Hundt, Chairman

We respect your agency's responsibility to regulate our nation's communications systems. As the Chairman of that agency, you no doubt have an awesome task. At the same time, please consider our membership's responsibility to manage and control our nation's jails. Ours is also an important task. BPP will take away important jail security and administration tools that assist us in the performance of our duties. Therefore, we urge that you do not extend BPP to jail facilities.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen J. Ingley", written in a cursive style.

Stephen J. Ingley
Executive Director

cc: The Honorable James H. Quello
The Honorable Andrew C. Barrett
The Honorable Rachelle B. Chong
The Honorable Susan Ness
AJA Board of Directors